

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

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)  
) Eligibility, for the Specialized  
) Mobile Radio Services and  
) Radio Services in the 220-222 MHz  
) Land Mobile Band and Use of Radio  
) Dispatch Communications )

GN Docket No. 94-90

DOCKET FILE COPY ORIGINAL

OPPOSITION TO REQUEST FOR PARTIAL RECONSIDERATION AND  
CLARIFICATION OF THE NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

On April 24, 1995, the American Mobile Telecommunications Association, Inc. ("AMTA") requested that the Commission reconsider its decision to remove the ban which prohibits mobile service common carriers from providing dispatch service. NTCA opposes AMTA's request.

DISCUSSION

The National Telephone Cooperative Association ("NTCA") represents approximately 500 small and rural independent local exchanges carriers ("LECs") providing telecommunications services, including wireless services, to interexchange carriers and subscribers throughout rural America.

AMTA's petition fails to refute the basic premise underlying the Commission's decision, i.e., that removal of the dispatch ban will benefit the public by introducing new providers and additional services to the dispatch market. AMTA suggests that the Commission should reassign excess cellular spectrum and auction it for other uses, including dispatch.<sup>1</sup> AMTA's proposal

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<sup>1</sup> Petition at 6.

is obviously intended to eliminate the competition and would defeat the Commission's primary objective of promoting competition. AMTA has not provided details for its proposal to relicense slithers of excess spectrum. Nonetheless, it is apparent that such a plan would involve long and burdensome regulatory procedures and raise, in addition, numerous legal questions related to the rights of existing carriers licensed under Part 22.

AMTA incorrectly states that the Commission need not remove the ban to facilitate regulatory parity between Part 22 and Part 90 licensees because Part 22 eligibles are free to offer dispatch services on Part 90 spectrum.<sup>2</sup> This argument fails to recognize that the underlying purpose of regulatory parity is to benefit the public interest by removing artificial regulatory distinctions among comparable mobile services. Report and Order, ¶ 34. The Commission correctly concluded that eliminating the dispatch ban will help to equalize the regulatory requirements applicable to all mobile service providers by allowing competing Specialized Mobile Radio Service ("SMRS") and other Commercial Mobile Radio Service ("CMRS") providers to offer the same portfolio of service options and packages. Contrary to AMTA's assertion, the fact that Part 22 licensees have the option to provide dispatch on Part 90 spectrum is not the issue. The existence of the right to apply for a Part 90 licensee does not establish regulatory parity or achieve the ultimate goals of

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<sup>2</sup> Petition at 4.

parity, a more competitive marketplace that yields public benefits in the form of greater choices and lower prices.

NTCA also disagrees with AMTA's assertion that removal of the dispatch ban will not benefit rural areas. In addition to those comments cited by the Commission in the Report and Order, NTCA and Polar Communications Mutual Aid Corporation, a carrier with experience in serving rural areas have stated on the record that there is an unmet need for dispatch in rural areas.<sup>3</sup> On the basis of these comments from NTCA and other rural service providers, the Commission justifiably concluded that rural areas will benefit from removal of the ban.

CONCLUSION

For the above stated reasons, NTCA urges the Commission to deny AMTA's petition.

Respectfully submitted,

NATIONAL TELEPHONE COOPERATIVE  
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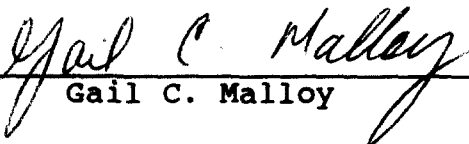
October 20, 1994

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<sup>3</sup> NTCA Reply Comments of October 20, 1994 at 4. Comments of Polar Communications Mutual Aid Corporation at 11.

CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing  
Opposition to Request for Partial Reconsideration and  
Clarification of the National Telephone Cooperative Association  
in GN Docket No. 94-90 was served on this 22nd day of May 1995,  
by first-class, U.S. Mail, postage prepaid, to the following  
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